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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/628,336 | 07/28/2000 | Kenji Kawai | 35.C14677 | 3454 |
| 5514 | 7590 | 12/15/2004 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO | | | YANG, CLARA I | |
| 30 ROCKEFELLER PLAZA | | | ART UNIT | |
| NEW YORK, NY 10112 | | | PAPER NUMBER | |
| | | | 2635 | |

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,336

Applicant(s)

KAWAI ET AL.

Examiner

Clara Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 13, 18, 23, and 25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 26 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 20. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 13 - 15, 18 - 20, and 23 - 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,028,513 (Addy) in view of U.S. Patent No. 5,973,592 (Flick).

Referring to claims 13, 18, 23, and 25, Addy teaches a central control unit 12 (i.e., "an electronic device") and method, as shown in Fig. 1, comprising: (a) central receiver 14 or detecting unit for detecting that a warning status has occurred (see Col. 4, lines 29 - 31); (b) siren 18 or warning unit for notifying a user that the warning status has occurred; and (c) central transmitter 16 or communication unit for transmitting warning information indicating that the warning status has occurred (see Col. 5, lines 48 - 58 and Col. 8, lines 20 - 25). Per Addy, central control unit 12's broadcast signal optionally comprises identity information of an individual or sets of alarm devices to be activated (see Col. 5, lines 57 - 67); thus a user must enter the addresses or identity information (i.e., register the alarm devices) of the alarm devices into controller 11. Addy imparts that (d) central transmitter 16 first transmits the warning information to registered alarm devices 22 and 24 when the detected warning status is not released (see Col. 5, lines 44 - 51 and Col. 6, lines 1 - 11). Per Addy, if the alarm condition or warning information is still present upon termination of a predetermined delay, (e) central transmitter 16 transmits the warning information to additional alarm devices 22 and 24 in a second transmitting step (see Col. 6, lines 11 - 13). Because Addy teaches that controller 11 of central control unit 12 is able to initiate transmission of a broadcast signal to all or a predetermined set of alarm devices 22 and 24 via central transmitter 16 (see Col. 5, lines 48 - 51 and Col. 8, lines 20 - 25), it is understood that the additional alarm devices 22 and 24 are unregistered devices. Instead of expressly teaching that central transmitter 16 transmits warning information that includes image data, however, Addy discloses that central transmitter

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16 transmits warning information that causes alarm device 24 to provide an audible, visual, or other sensory detectable output (see Col. 6, lines 60 - 64).

In an analogous art, Flick teaches an electronic device, as shown in Fig. 1, comprising: (a) at least one detecting unit, such as zone sensors 22a and 22b and pre-warn sensor 26, for detecting whether a warning status has occurred (see Col. 4, lines 39 - 48 and Col. 5, lines 15 - 29); (b) sirens/lights 31 (i.e., a warning unit) for notifying a user that the warning status has occurred (see Col. 4, lines 49 - 59 and Col. 5, lines 37 - 40 and 52 - 56); and (c) local transmitter 18 for transmitting a warning information including image data and indicating that the warning status has occurred (see Col. 5, lines 29 - 31 and 62 - 65; and Col. 6, lines 2 - 8). Because Addy and Flick both teach condition-responsive indicating systems that use radio waves as the communication link (class 340, subclass 539.1), Flick is considered to be analogous art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Addy's central transmitter 16 and alarm device 24 as taught by Flick because (1) Addy suggests modifying alarm device 24 for people requiring special attention (see Col. 6, lines 57 - 64) and (2) a central transmitter 16 that transmits image data and an alarm device 24 that displays the image data are helpful to communicate a warning status to people who are unable to read, such as children.

Regarding claims 14 and 19, Addy's registered and unregistered alarm devices 22 and 24 are all connected to central control unit 12 via signals within a radio frequency (RF) band (see Col. 4, lines 39 - 46; Col. 5, lines 48 - 51; Col. 6, lines 1 - 13; and Col. 8, lines 20 - 25). Here it is understood that central control unit 12 and registered and unregistered alarm devices 22 and 24 form a network.

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Regarding claims 15, 20, 24, and 26, Addy imparts that alarm devices 22 and 24 have an alarm notification device 44, which is a siren or equivalent audible means (see Col. 4, lines 31 - 34), thereby implying that the broadcast signal or warning information comprises audio data.

6. Claims 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,028,513 (Addy) in view of U.S. Patent No. 5,973,592 (Flick) as applied to claims 13 and 18 above, and further in view of U.S. Patent No. 5,706,191 (Bassett et al.).

Regarding claims 16 and 21, Addy and Flick omit teaching connecting central control unit 12 and alarm devices 22 and 24 to a home network.

In an analogous art, as shown in Fig. 1, Bassett teaches an automated residence management system that comprises fire alarms, smoke and CO2 detectors, and security systems (see Col. 14, lines 60 - 63). By providing each device or system with an appliance interface module (AIM) 70 - 78, monitoring and diagnostic functions of the devices or systems are achieved (see Col. 5, lines 53 - 63 and Col. 6, lines 11 - 35). For example, when an AIM detects potential failure or required scheduled replacement of a part, a message such as "replace air filter" is flashed on a television set that is connected to the automation system (see Col. 14, lines 36 - 43).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Addy and Flick's central control unit 12 and method as taught by Bassett because connecting central control unit 12 to a home automation network enables central control unit 12 to be monitored for potential failure or required replacement of a part, thereby improving the reliability of the alarm system.

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7. Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,028,513 (Addy) in view of U.S. Patent No. 5,973,592 (Flick) as applied to claims 13 and 18 above, and further in view of U.S. Patent No. 4,259,548 (Fahey et al.).

Regarding claims 17 and 22, Addy and Flick's central control unit 12 or electronic device is able to transmit the warning information to a predetermined device in an external network via dialer 20 (see Fig. 1; Col. 5, lines 44 - 48). Addy and Flick, however, are silent on transmitting the warning information to a predetermined device in an external network if the detected warning status is not released in spite of transmitting the warning information to the unregistered alarm devices 22 and 24.

In an analogous art, Fahey teaches a home health care system, which includes a remote control unit (RCU) or electronic device that is connected to a plurality of sensors for detecting fires and monitoring routine activities of an individual (see Col. 9, lines 26 - 43 and Col. 11, lines 31 - 37). Fahey imparts that when the RCU detects an alarm condition, the RCU initiates a pre-alarm cycle (see Col. 14, lines 2 - 25). Per Fahey, failure to cancel or abort the alarm sequence during the pre-alarm cycle automatically leads to the actual alarm cycle during which communication with the centralized communications center (CCC) is initiated via telephone (see Col. 14, lines 12 - 30 and Col. 15, lines 35 - 51).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Addy and Flick's central control unit 12 and method as taught by Fahey because a central control unit 12 that transmits the warning information to a predetermined device in an external network only when the detected warning status is not released after transmitting the warning information to the unregistered alarm devices 22 and 24 prevents the dispatch of emergency personnel in the event of a false alarm.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

⌘

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (571) 272-3062. The examiner can normally be reached on 8:30 AM - 7:00 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CY



BRIAN ZIMMERMAN
PRIMARY EXAMINER